

**NOAA Special Award Conditions for the
Coastal and Marine Habitat Restoration Project Grants under the
American Recovery and Reinvestment Act**

SACS Standard to all Awards

Cooperative Agreement/Substantial Involvement Statement

NOAA Fisheries participation will be crucial to ensuring the timely implementation of the most beneficial habitat restoration project possible under the American Recovery and Reinvestment Act (Recovery Act). NOAA Fisheries may participate in one or more of the following ways:

- providing assistance with technical aspects of the habitat restoration project such as assistance with permitting or development of detailed work plans and monitoring plans; participation in meetings; review of documents (such as requests for proposals for contracts and bids submitted in response, design plans, requests for consultations, permit documents); and similar actions as appropriate
- tracking the progression of the restoration from planning through implementation and post-construction monitoring, with particular emphasis on tracking grantee achievement of targets for major milestones and performance metrics;
- conducting one or more site visits to observe first hand the progress toward achievement of restoration objectives and Recovery Act goals; and
- attending/speaking at public events, and reviewing and providing input on interpretive signage or outreach materials that highlight the restoration activities and promote the concept of job creation and retention through marine and coastal habitat restoration.

Performance Monitoring

To measure the success of your restoration project(s) milestones and monitoring parameters were identified as part of your proposed work. As your project proceeds, NOAA's substantial involvement may include further coordination on aspects of your monitoring plan as appropriate, such as refining the duration of monitoring, post-construction targets, frequency of sampling, methodology, and/or sample size to provide consistency across NOAA supported restoration projects. In addition, NOAA's involvement may also include coordination on data presentation and reporting.

In addition to quarterly reporting requirements under the Recovery Act (see incorporated ARRA Terms and Conditions), NOAA requires semi-annual programmatic progress reports. The first report is due on January 30, 2010, covering the period from the start date through December 31, 2009. A second report is due July 30, 2010, covering the period from January 1, 2010 through June 30, 2010. Reports covering subsequent 6-month periods are due every January 30 and July 30 thereafter during the award period. Grantees should use their application as the basis of their reports, and ensure they provide a review of their progress over each 6-month period of performance with respect to the milestones for accomplishment of major tasks as outlined in their application. An OMB approved progress report form/format will be provided at a future date to facilitate this

semi-annual reporting requirement. A final, comprehensive report covering all activities conducted under the award will be due 90 days after the award end date.

Maintain Project Files

Project files must be maintained for all restoration and job creation/retention activities taking place under this agreement. These files must contain, at a minimum, project work plans, copies of all federal and state permits/consultations associated with project implementation, and all available/relevant employment or economic data documenting total labor hours, individual number of jobs created/retained, and records of North American Industry Classification System (NAICS) codes associated with the federal award investment (Federal funding and any match appearing on the SF-424).

Adhere to Applicable Federal, State, and Local Laws

The grantee will ensure that implementation of the project will meet all federal, state, and local laws and regulations by obtaining all applicable permits and consultations prior to expenditure of federal funds or award match for those activities requiring permits. This includes, but is not restricted to, consultations required under the Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act (Essential Fish Habitat), National Historic Preservation Act, and Coastal Zone Management Act. The grantee will be cognizant of all conditions and restrictions required by their permits and consultations, and will immediately halt activities and contact their NOAA Technical Monitor if events occur that threaten to violate the conditions or restrictions required by their permits and consultations.

Verify Receipt of Permits and Consultations

Grantees should provide the NOAA Technical Monitor with a list of required permits prior to receipt, including estimated dates of completion, to assist with the NEPA evaluation process. The grantee must notify the NOAA Technical Monitor via email with the date that each required Federal and state permit or compliance document is obtained or approved, and present verification that the permit or other requirement has been satisfied.

Written Safety Plan

Safety is a critical consideration for restoration project implementation. The grantee must have a written safety plan for management of employees, contractors, and volunteers working on this project as applicable. The plan should consider safety in and around the site during and after project construction, and take into account potential safety concerns with regard to the current and future use of the site. The grantee should also conduct a safety briefing for all project participants immediately prior to their involvement in hands-on restoration activities under this award, and require that any volunteers sign a liability release waiver. Grantees shall be responsible for exercising reasonable care and using best efforts to prevent accidents, injury or damage to all employees, contractors, persons and property, in and around the work site.

Outreach and Communications

Grantees will coordinate with NOAA on outreach plans, events, products, and media coverage associated with the project, so that NOAA Communications staff may assist with the development of outreach communications and messaging. Grantees will provide drafts of any outreach plans to NOAA staff for review and input. In particular, all press releases should be shared with NOAA in draft at least one week in advance of release to allow NOAA the opportunity to provide a quote from NOAA Administrators. Please coordinate with the NOAA Restoration Center's Senior Communications Specialist, Rachel Brittin (Rachel.Brittin@noaa.gov or 301-713-0174). Grantees will provide copies of final outreach products, website mentions, press materials, photos, etc. via the standard progress reports to NOAA, or when available throughout the award period. Grantees will provide NOAA with high-resolution before, during, and post-implementation photos of the project. Photos of the site prior to construction and during project implementation should be submitted as soon as possible.

Signage and Acknowledgement

All projects funded through the Recovery Act shall display signage throughout the construction phase that features the Recovery Act Primary Emblem, and that acknowledges funding from NOAA and other contributing partners. The signage should be displayed in a prominent location on site. Refer to the Department of Commerce Recovery Act Award Terms for more information on this requirement. The grantee should also display, where appropriate and practical, a publicly visible permanent sign or plaque at the project site after construction is complete, acknowledging the contributing partners as described above.

Invasive Species Control

Pursuant to Executive Order # 13112, recipients of NOAA funding cannot implement any actions that are likely to cause or promote the introduction or spread of invasive species, and should provide for restoration of native species and habitat conditions in ecosystems that have been invaded. NOAA grantees are expected to take positive steps to prevent the introduction of invasive species, provide for control of invasive species, and minimize the economic, ecological, and human health impacts that invasive species cause. Where possible and/or practicable, grantees should also respond rapidly to and control populations of invasive species in an environmentally sound manner, promote public education on invasive species, and conduct post-construction monitoring to ensure that impacts on native species did not occur (as applicable). NOAA can provide additional guidance on the detection, control and prevention of invasive species impacts upon request.

SACS tailored to individual awards

Technical Monitor

The Technical Monitor for this award is:

NAME

ADDRESS

CONTACT INFORMATION

Project Milestones

To ensure adequate and timely progress towards project completion and achievement of the goals of the Recovery Act with respect to project timing and associated expenditure of funds, NOAA and the grantee have cooperatively identified several milestones as outlined in the proposal. Project progress will be evaluated throughout the award with particular emphasis on meeting these milestones. NOAA reserves the right to terminate funding for the award at any time throughout the award period should NOAA determine that a grantee is not meeting project milestones as outlined in the application submitted to the NOAA Grants Management Division for funding.

Outstanding NEPA Documentation and Restricted Availability of Funds

By accepting this award, the grantee agrees to assist and cooperate with NOAA Fisheries in the preparation of outstanding NEPA compliance documentation. For purposes of NEPA compliance, Phase 1 of the project includes [x,y,z, as per the NEPA inclusion memo], activities for which work can proceed as they have been documented to have no significant individual or cumulative adverse on the environment. The grantee will not expend any funds for Phase 2 project implementation which includes [x,y,z, as per the NEPA inclusion memo] until impacts have been assessed, and National Environmental Policy Act (NEPA) compliance documentation has been completed by NOAA.

SCUBA Safety (applicable only to projects with SCUBA-based activities)

For any Self-Contained Underwater Breathing Apparatus (SCUBA) diving activities described in the application, it is the responsibility of the recipient to ensure that SCUBA divers are certified to a level commensurate with the type and conditions of the diving activity being undertaken. Furthermore, it is the responsibility of the recipient to ensure that any SCUBA diving activities using Federal grant funds under this award meet, at a minimum, all applicable Federal, State, and local laws and regulations pertaining to the type of SCUBA diving being undertaken.